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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,680	09/29/2003	Michael Gabriel	12510/70	5087
26646	7590	04/10/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			MYINT, DENNIS Y	
			ART UNIT	PAPER NUMBER
			2162	
DATE MAILED: 04/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/674,680	Applicant(s) GABRIEL ET AL.	
	Examiner Dennis Myint	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>29 September 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-19 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Williamson et al. (U.S. Patent Application Publication Number 2003/0208767).

As per claim 1, Williamson et al. is directed to a method for searching for media content (Williamson et al., Paragraph 0135-0137), comprising:

receiving from a user a user profile which identifies preferred media sources (Williamson et al., Paragraph 0102 "Create New Profile" and Paragraph 0084, i.e. "...and recommended programs (i.e., programs that the system reserves automatically based on *user profile*");

receiving a search request from a user including at least one search criteria (Williams et al., Paragraph 0102 and 0135-0157, i.e. "A search may include one of these parameters or multiple parameters.");

searching for media content based on the at least one search criteria and the user profile (Williams et al., Paragraph 0102 and 0135-0157); and

displaying information regarding the media content to the user (Williamson et al., figure 12, 13, and 14).

As per claim 2, Williamson et al. is directed to the method of claim 1, wherein the media content includes at least one of a video, audio, a still image, printed material, text, a movie, and a television program (Williamson et al., Paragraph 0039 and 0066).

As per claim 3, Williamson et al. is directed to the method of claim 1, wherein the information regarding the media content includes availability information that indicates availability of media content, which meets the at least one search criteria, from at least one of the preferred media sources (Williamson et al., Paragraph 0084, i.e. "... upcoming programs (i.e. programs that are scheduled to be reserved but has yet to be broadcast) and recommended programs...").

As per claim 4, Williamson et al. is directed to the method of claim 3, wherein the availability information includes at least one of movie theater show time data, television broadcast data, and retail data (Williamson et al. Paragraph 0084, i.e. "... upcoming programs (i.e. programs that are scheduled to be reserved but has yet to be broadcast) and recommended programs..." and Paragraph 0086, i.e. "... upcoming (i.e. to be broadcast in the future) or by the reservation date of the program." and Paragraph 0088, i.e., "broadcast time for current and future reserved programs, rating (such as G, PG-13 and R...").

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As per claim 5, Williamson et al. is directed to the method of claim 1, wherein the search for media content is performed on at least one database (Williamson et al., Figure 1 "Library Manager" 113, Paragraph 0048, i.e. "...forwards the same to library manager 113 for long-term storage", and Paragraph 0039, i.e. "database services").

As per claim 6, Williamson et al. is directed to the method of claim 1, wherein the user profile includes at least one of a zip code and a television provider data (Williamson et al., Paragraph 0150, i.e. "... having specified zip codes.").

As per claim 7, Williamson et al. is directed to the method of claim 1, further comprising: providing online purchase capabilities such that the user is able to purchase at least one of the media content, tickets to view or hear the media content, and merchandise related to the media content (Williamson et al., Paragraph 0127-0128, i.e. ".....including Add Video to Shopping Cart 3321, Buy CD 3322, Buy Video 3323, Concert Information 3324, MP3 Download 3325 and Photos 3326.").

As per claim 8, Williamson et al. is directed to the method claim 1, wherein the preferred media sources includes at least one of: i) at least one movie theater, ii) a local cable TV or satellite TV provider, iii) at least one preferred online retailer (Williamson et al., Paragraph 0039, i.e. "Headend 105 receives programs and services from various providers and sources, e.g., analog and digital satellite sources, application servers, media servers, the Internet etc.").

As per claim 9, Williamson et al. is directed to the method of claim 1, wherein the search criteria includes at least one of title data, cast member data, and director data

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(Williamson et al., Paragraph 0102, i.e., "These parameters may include programming category, actor(s) names, program title, director, keyword and the like.").

As per claim 10, Williamson et al. is directed to the method of claim 1, wherein the information regarding the media content is displayed on at least one of: i) a display associated with a set-top box, ii) a display of a computer arrangement, a TV, a wireless device, and a cell phone (Williamson et al., Figures 12-16, Paragraph 0070, and Paragraph 0095).

As per claim 11, Williamson et al. is directed to the method of claim 3, further comprising further comprising: notifying the user in the future when the media content becomes available from at least one of the preferred media sources, if the media content is not currently available from the at least one of the preferred media sources (Williamson et al., Paragraph 0150-0153, "Messaging Service").

As per claim 12, Williamson et al. is directed to the method of claim 9, further comprising: notifying the user in the future when the media content becomes available from at least one non-preferred media source (Williamson et al., Paragraph 0150-0153, "Messaging Service" and Paragraph 0139-0148, "Commercial Targeting and Playback Monitoring").

As per claim 13, Williamson et al. is directed to the method of claim 9, wherein the user is notified via at least one of email, instant message, and postal mail (Williamson et al., Paragraph 0150-0153, "Messaging Service").

As per claim 14, Williamson et al. is directed to the method of claim 3, further comprising: periodically searching for the availability information related to at least one

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of the preferred media sources if the media content is not currently available from the at least one of the preferred media sources (Williamson et al., Paragraph 0084, i.e. "...recommended programs (i.e., programs that the system reserves automatically based on user profile"..).

As per claim 15, Williamson et al. is directed to the method of claim 3, further comprising: requesting a user notification of when the media content becomes available from at least one preferred media source, if the media content is not currently available from the at least one preferred media source (Williamson et al., Paragraph 0151, i.e., "The subscriber content level").

As per claim 16, Williamson et al. is directed to the a method for providing a user with information regarding media content, comprising: displaying on a single page information regarding availability of the media content from a plurality of media sources which are selected by a user (Williamson et al., Figures 12-16).

As per claim 17, Williamson et al. is directed to the method claim 14, further comprising: allowing a user to request, from the single page, notification in the future when the media content becomes available from at least one of the media sources, if the media content is not currently available from the at least one of the media sources (Williamson et al., Figures 12-16 and Paragraph 0151, i.e. "...those users who request baseball programs frequently may be grouped as baseball fan-users. Thus the messaging service in question may from time to time provide targeted messages concerning baseball games, equipment, etc. to such baseball fan-users. In addition, the

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messaging service may provide personal messages to a user, including messages concerning the user's account, an expiration of the user's reserved program, etc.").

Claim 18 and 19 are rejected on the same basis as claim 1.

Conclusion

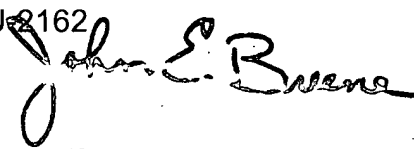
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dennis Myint

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